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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,553	06/13/2005	Juergen Buchler	D4700-00400	5069

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DUANE MORRIS, LLP
IP DEPARTMENT
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103-4196

EXAMINER

MCDUFFIE, MICHAEL D

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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07/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/538,553	BUEHLER, JUERGEN	
	Examiner	Art Unit	
	Michael McDuffie	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9,10 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,11 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 5 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This correspondence is in response to applicant's reply filed on 05/03/2007. Claims 1-18 are pending.

DETAILED ACTION

Drawings

The drawings were received on 04/25/2007. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 11, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiodt (U.S. Patent No.: 6473916).

Regarding claim 1, Schiodt discloses an articulated-arm assembly **10** for plumbing fixtures, comprising: a mounting fixture **11** for fastening the assembly **10** in place, an arm **74** jutting out of the mounting fixture **11**, a pivot joint (as shown in Fig. 2 below) for joining the arm **74** to the mounting fixture **11**, a normally engaged brake **44** for locking the arm **74** in place, and a ratchet **70** that allows pivoting of the arm **74** in one direction while the brake **44** is engaged; where by disengaging the brake **44** the arm **74** can be pivoted without unlocking the ratchet **70** (as shown in Fig. 3).

With regards to claim 2, Schiodt teaches the articulated-arm assembly **10**, where at least one of the brake **44** and the ratchet **70** are part of the pivot joint for the arm **74**.

Regarding claim 3, Schiodt further teaches the articulated-arm assembly **10**, where a pivot axis of the pivot joint is horizontal. The Examiner notes that the mounting fixture **11** is capable of being fixed in the horizontal direction, which would provide a horizontal pivot of arm **74**.

With regards to claim 4, Schiodt goes on to teach the articulated-arm assembly **10**, where the ratchet **70** acts on a sleeve or collar while joined relative to the arm **74** (see col. 7, lines 62-64).

Regarding claim 6, Schiodt further discloses the articulated-arm assembly **10**, where the brake **44** is fastened to the arm **74** such that the brake **44** is constrained from rotating with respect to the arm **74** (as shown in Fig. 2).

With regards to claim 8, Schiodt goes on to teach the articulated-arm assembly **10**, where the brake **44** is a friction brake.

Regarding claim 11, Schiodt discloses the articulated-arm assembly **10**, where the brake **44** contains several brake shoes **52,56** having motions with at least one radial component **64a-b**.

With regards to claim 16, Schiodt goes on to teach the articulated-arm assembly **10**, where a space accommodating at least one of the brake and the ratchet is sealed with respect to the ambient (see assembled structure of Fig. 1A).

Regarding claim 17, Schiodt further discloses the articulated-arm assembly **10**, where the brake **44** has an adjustable braking force (via depressing buttons **60,62**).

With regards to claim 18, Schiodt teaches the articulated-arm assembly **10**, where the ratchet **70** acts on an outer surface **72** of the sleeve or collar.

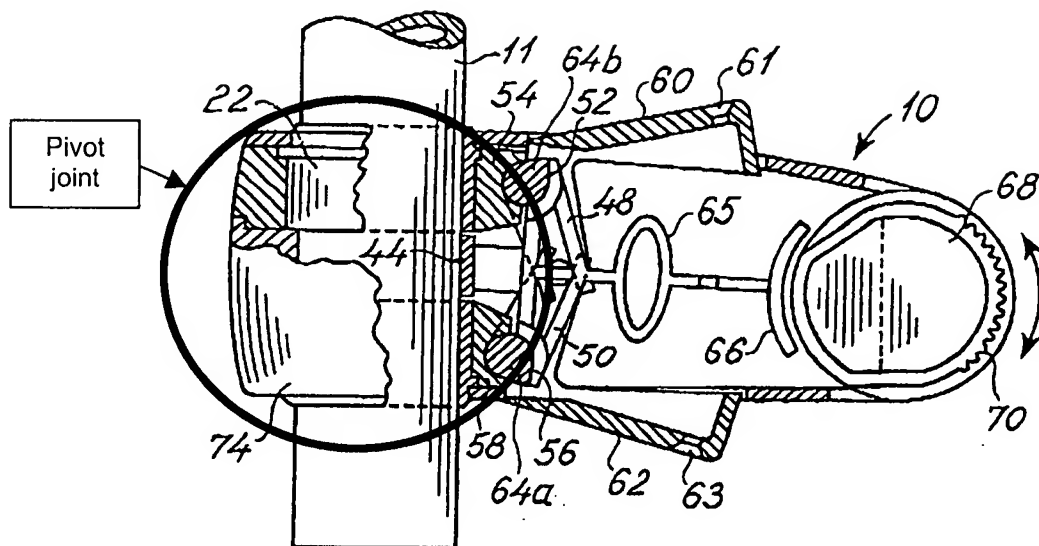


Fig. 2

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8, 10, 11, 16 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 7, 9-10, and 15 are allowed.

Claims 5 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

In addition to the prior art of record, the Examiner submits form PTO-892, as it discloses inventions capable of supporting plumbing fixtures.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael McDuffie whose telephone number is 571-272-3832. The examiner can normally be reached on Mon.-Fri., 7AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 571-272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mom

Michael McDuffie
3-July-07



Carl D. Friedman
Supervisory Patent Examiner
Group 3600